

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YESENIA JAVIER MARIA (A.K.A
WANDA) *individually and on behalf of
others similarly situated,*

Plaintiff,

Index No. 1:20-cv-03707-JPO

-against-

EL MAMBI REST CORP. (D/B/A MAMBI),
EL MAMBI STEAKHOUSE CORP. (D/B/A
MAMBI), RAUL ACOSTA, RAULITO
ACOSTA, GABRIEL DOE, RAFAELINA
(A.K.A NINA) BAUTISTA, and GIOVANNI
BAUTISTA,

Defendants.

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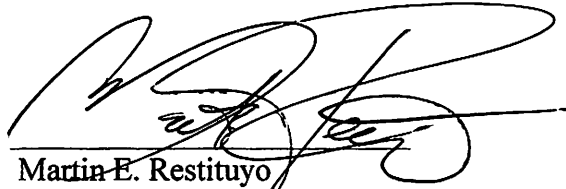
NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

Defendants, El Mambi Restaurant Corp., El Mambi Steakhouse Corp., Raul Acosta, Raulito Acosta, Gabriel Doe, Rafaelina Bautista a/k/a Nina, and Giovanni Bautista by and through counsel, and pursuant to Rule 12(b) of the Federal Rule of Civil Procedure, hereby move this Court to dismiss plaintiffs' First Amended Complaint dated January 12, 2021. In support to their motion, defendants refer this Court to their Memorandum in Support, filed simultaneously herewith.

WHEREFORE, for the reasons stated in the accompanying memorandum of law in support of this motion, defendants respectfully request that this Court (1) grant their motion to dismiss; (2) dismiss the Complaint with prejudice with respect to themselves; and (3) award any other relief that this Court deems just and proper.

PLEASE TAKE NOTICE that the plaintiffs' opposition to the Motion to Dismiss, is any, shall be filed and served no later than March 2, 2021, but oral argument of the motion shall be conducted at a date and time to be determined by this Court.

Dated: New York, New York
February 19, 2020

A handwritten signature in black ink, appearing to read 'Martin E. Restituyo', is written over a horizontal line.

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Counsel to Defendants, El Mambi Restaurant Corp., El Mambi Steakhouse Corp., Raul Acosta, Raulito Acosta, Gabriel Doe, Rafaelina Bautista, and Giovanni Bautista.